



WHAT’S NEW FOR 2013
Ethics Commission Newsletter for Lobbyists

1st Regular Session—126th Legislature

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**Inside
This Issue**

- Covering the Basics
- Monthly Reporting
- Common Questions from 2012

**Contacting
the
Commission**

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2013 IS A NEW YEAR

As the new year’s maxim goes, “out with the old and in with the new!” Lobbyist registrations for the 2012 year have been terminated—effective November 31, 2012. Registrations for the new year are now being accepted. Visit the Commission’s website to file your 2013 registration online. If you have already registered for 2013, please keep in mind that all registered lobbyists are required to file monthly reports while the legislature is in session.

COVERING THE BASICS

A quick refresher of terms and procedures

WHAT IS LOBBYING

Lobbying is the direct communication with a covered official—see page 2—for the purpose of influencing any legislative action or the approval or veto of any legislative action, provided that compensation is received or reimbursement for expenditures is made. This definition includes the time spent to prepare and submit oral and written proposals for, or testimony or analysis concerning, a legislative action.

AND WHAT ISN’T

Lobbying does not include the time spent providing information to or participating in a work group regarding a legislative action by appointment or request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission.

For a complete list of executive branch officials in a “major policy influencing position” visit the Commission’s website: www.maine.gov/ethics

Constitutional Officers

Secretary of State
Attorney General
State Treasurer

Remember: only authorized agents may file reports on a lobbyist’s behalf. Make sure to provide the Commission with the names of all your authorized agents. They are free to add to your registration, and you may have more than one.

If you did not engage in any lobbying during a month but did receive compensation, you may file a short form report.

WHO IS A COVERED OFFICIAL

The law covers:

- officials in the legislative branch (“a member, member-elect, candidate for or officer of the Legislature or an employee of the Legislature”),
- the Governor’s cabinet and staff,
- officials in the executive branch (“major policy influencing position”), and
- constitutional officers.

WHO IS A LOBBYIST AND WHO IS A LOBBYIST ASSOCIATE

A Lobbyist is a person who is employed by another to lobby more than eight hours in any calendar month. A Lobbyist Associate is a partner, associate or employee of a lobbyist who also lobbies more than eight hours in any calendar month for the client listed in the lobbyist’s registration. This distinction, while subtle, streamlines reporting and allows the public to have easier access to joint lobbyist/client information.

MONTHLY LOBBYIST REPORTS

During legislative session, every registered lobbyist must file one of two types of monthly reports: either a short-form report or long-form report. Each report covers one calendar month. Reports must be filed with the Commission by 11:59 p.m. on the 15th day of the following month.

SHORT-FORM V. LONG-FORM

If absolutely no lobbying was done, a short-form report may be filed. If any lobbying was done, a long-form must be filed. A number of lobbyists have conflated the eight hour registration threshold with the amount of lobbying required before a long-form report must be filed. Long-form reports are required when any amount of lobbying was done during the month. The eight hour requirement applies only to registration.

POINTS TO FOCUS ON IN 2013

Common questions and mistakes from 2012

REPORTING COMPENSATION

Lobbyists are required to report all compensation received for lobbying during the month. If a lobbyist is compensated for lobbying and other services (e.g., legal advice), only that compensation received for lobbying should be reported. Similarly, if a lobbyist receives compensation but does no lobbying, compensation is not required to be reported.

LUMP SUM COMPENSATION

When a lobbyist receives an up front lump sum payment, payment should be apportioned among the months in which lobbying was done. For months when no lobbying is done, no compensation should be reported.

LDs/LRs/ISSUES OVER \$1,000

Lobbyists are required to keep track of their compensation and expenditures for each bill or issue. When either compensation or expenditures exceed \$1,000—for the month—for a bill or issue, that bill or issue must be separately reported on line 10 of the monthly report.

CONTRIBUTIONS TO LEGISLATORS

Lobbyists are prohibited from giving contributions to the Governor, members of the legislature, constitutional officers or the staff or agents of the above while the legislature is in session. This prohibition includes PACs, BQCs, and Party Committees of which a covered official is an officer or primary decision maker or fundraiser.

SPECIAL ELECTIONS AND QUALIFYING CONTRIBUTIONS

Lobbyists are allowed to make contributions during session in the case of a special election. This includes the five dollar qualifying contributions for candidates seeking funding from the Clean Election program.

More information can be found in the 2013 Lobbyist Guidebook, which is available now on the Commission’s website:
www.maine.gov/ethics

The State Constitution states that the First Regular Session of the Legislature shall convene on the first Wednesday of December (this year it was December 5). The legislature is considered adjourned only once it has done so, *Sine Die* (without appointing a day to reassemble).